

From: Randall Hansen
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

As a computer professional with over 10 years of experience, I would like to comment on the Proposed Final Judgment in United States v. Microsoft.

To be frank, I view the Proposed Final Judgment as a gigantic loophole, ripe and ready to be abused by Microsoft. I'll raise one specific objection: Section III.A.2 ("Prohibited Conduct") prohibits Microsoft from retaliating against an OEM for shipping a computer with Windows and a non-Microsoft operating system. This section does not, however, prohibit Microsoft from retaliating against an OEM who ships a computer without a Microsoft operating system at all.

This is exactly the kind of loophole that Microsoft has exploited in the past and will continue to exploit. If, for instance, Dell shipped a Linux-only computer, Microsoft would be free (under this provision) to retaliate in any way it saw fit. In the regular course of business this behavior is expected; from a predatory monopoly this behavior is illegal.

I urge you to review this settlement with a more critical eye.

Thank you,

Randall Hansen